

REMARKS

Summary

Claims 1, 3, 8 and 10 were pending and all of the claims were rejected in the present Office action. The Applicants have carefully considered the arguments presented by the Examiner and respectfully traverse the rejections on the basis that a *prima facie* case of anticipation has not been made out.

Claim Rejections

35 U.S.C. § 102 (b)

Claims 1, 3, and 8-10 were also rejected under 35 U.S.C. § 102 (b) as being anticipated by Nakamura (US PG Pub. 2002/20023343; "Nakamura").

In the Response to Arguments (page 4, para (b)), the Examiner states that a broad interpretation of the word "side" may be asserted, and that "the examiner can broadly interpret the group of capacitive elements 17 mounted on the top area of the board 1 as surrounding one side of the electrical device (considering the left side adjoining the right side of the device). Thus the left side, the right side, and the top side of the device each has capacitive elements mounted thereon."

Claim 1 recites, *inter alia*, an array of capacitive elements at least partially surrounding the electrical device, where the capacitive elements of the array are disposed adjacent to two adjoining sides of the electrical device.

It is well established that, generally, patent terms are given their plain, ordinary, or accustomed meaning to one of ordinary skill in the relevant art. *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1341, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001). The applicant accepts that the Examiner may give words a broad meaning. However, unless the specification provides a specific definition to be used in interpreting the claims, the meanings of the words need to comport with an ordinary meaning of the word. In this instance, the Applicants refer to the Merriam-Webster Collegiate Dictionary 10th Edition.

The first meaning of the word "surround" is "enclose on all sides". Claim 1 modifies this to be "partially surround". The first meaning of "adjacent" is "not distant:

Nearby” and another meaning is “immediately preceding or following”. In the commentary distinguishing synonyms, the dictionary states that “adjacent may or may not imply contact, but always implies the absence of anything of the same kind in between <a house with an adjacent garage>” and “adjoining definitely means meeting and touching at some point or line.”

Referring to FIG. 1 of the reference, the Applicants interpret the Examiner’s identification of capacitors 17 at the top of board 1 as referring to the linear arrangement of capacitors 17 disposed adjacent to the top edge of the circuit board 1, and having at least reference elements 12 disposed between the capacitors 17 and the top edge of the component 10. In addition, a resistor (unmarked, but being the same visual symbol as resistors 19) is disposed between the elements 12 and the top edge of the component 10. Therefore, the Applicants respectfully submit that the linear array of capacitors 17 at the top of the board 1, identified by the Examiner, is not disposed adjacent to component 10, although it may be said to be disposed adjacent to the top edge of the board 1. The Applicants also respectfully submit that none of the other capacitors 17 on the board 1 can be construed as being disposed adjacent to the top edge of component 10.

The Applicant further respectfully submits that the left and right hand sides of component 10 are not adjoining sides.

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir 1984) (citing *Connell v. Sears Roebuck & Co.* 722 F.2d 1542 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

The Applicants respectfully submit that the reference does not disclose the board of Claim 1 where the capacitive elements of the array are disposed adjacent to two adjoining sides of the electrical device. As such a *prima facie* case of anticipation has not been made out, and Claim 1 is allowable.

Claim 3, 5, and 8-10 are claims dependent on an allowable claim, and are allowable without more.

Withdrawn Claims

The Applicant respectfully submits that Claim 1 is a generic claim for at least the withdrawn claims dependent thereon.

Conclusion

Claims 1, 3 and 8-10 are pending.

For at least the reasons presented herein, the Applicants respectfully submit that the application is in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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